

### **REMARKS/ARGUMENTS**

The Office Action of July 5, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-42 are pending. Claims 1-6, 8, 10-14, 16-19, 21-22, 24-25, 27-29 and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by Stahl (5,422,173). Claims 7, 15, 20 and 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl in view of Mahn (4,971,644). Claims 9, 23, 26, 34-37 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl in view of either Conrad (4,662,878) or Castro (5,906,006). Claim 15 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Finally, the Information Disclosure Statement filed January 10, 2005 failed to comply with 37 CFR 1.98(a)(2) in that the submitted foreign patent documents were purportedly illegible.

### **Rejection Under 35 U.S.C. § 102(b)**

Claims 1-6, 8, 10-14, 16-19, 21-22, 24-25, 27-29 and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by Stahl (5,422,173).

Stahl is directed to a method of producing a multi-colored emblem with an embroidered appearance, the emblem being heat sealable onto difficult-to-adhere fabrics. *See* Abstract. The method includes providing a first woven material blank, laminating a thermoplastic material onto the blank to form an assembly, sewing the periphery of the blank to produce an embroidered appearance, providing a second woven material blank of a different color, laminating a thermoplastic material onto the second blank to form an assembly, sewing the periphery of the second blank to produce an embroidered appearance, heat sealing the first and second blanks together, and providing an adhesive layer to the exposed side of the second blank and across the entire exposed side of the second cut blank. *See* Col. 1, line 60 to Col. 2, line 12; Fig. 2. The

emblem with an embroidered appearance can then be applied to a fabric and heat sealed to that fabric. Col. 2, line 13-25.

In contrast, the method of joining a plurality of textile elements, as recited in amended independent claim 1, recites, among other steps, the step of “forming a first bond between the third textile element and the adhesive element to define a bonded area and an unbonded area, the first bond being located in a spaced relationship with at least some of outer edges of the third textile element.” Similarly, the method of joining a plurality of textile elements, as recited in amended independent claim 16, recites, among other steps, the step of “forming a first bond between the second textile element and the adhesive element through the application of heat and pressure to define a bonded area and an unbonded area, the first bond being located in a spaced relationship with at least some of outer edges of the second textile element.” This step of forming a bond that includes a bonded area and an unbonded area where the bond is located in a spaced relationship with some of the outer edges of the textile element is not shown or taught by Stahl. Indeed, Stahl teaches away from the methods of claims 1 and 16 in that Stahl teaches applying an adhesive layer 24 and 28 across the entirety of the blanks 22 and 26, respectively. *See* Col 3, lines 15-22; Col. 4, lines 4-13; Figs. 2, 8, 9 and 11. Consequently, Stahl does not anticipate independent claims 1 and 16.

Similarly, independent claim 24 is not anticipated by Stahl. Amended claim 24 recites, among other features, an article including “a second textile element defining an outer perimeter, the second textile element extending over the first textile element and bonded at the outer perimeter to the first textile element.” Stahl simply does not teach the technique of seam bonding discussed in the specification and recited by claim 24. Rather, as discussed above, Stahl teaches applying an adhesive layer across the entirety of the blanks to join the blanks together in a stacked manner, that is, one blank on top of the other. For this reason, Stahl does not anticipate claim 24.

### Rejection Under 35 U.S.C. § 103(a)

Claims 7, 15, 20 and 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl in view of Mahn (4,971,644). Claims 9, 23, 26, 34-37 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl in view of either Conrad (4,662,878) or Castro (5,906,006).

For the same reasons expressed above, Mahn, Conrad or Castro does not render obvious the pending application because these references do not obviate the noted deficiencies in Stahl. Mahn discloses a method of applying a heat activated transfer to a foraminous substrate. *See* Col. 2, line 45. The heat activated transfer includes an upper bearing layer and a lower heat activated adhesive layer. This is applied to a cloth. Col. 2, line 46-49. Mahn does not teach or suggest forming a bond that has a bonded area and an unbonded area, nor does Mahn teach the technique of forming a bond at an outer perimeter. Consequently, Mahn does not render obvious the pending claims.

Moreover, Conrad or Castro does not render obvious the pending application because Conrad teaches the use of an “interposed layer of thermoplastic or glue” which extends across the entirety of a patch that is to be attached to a garment. *See* Col. 1, lines 23-26. Likewise, Castro teaches attaching a logo or emblem across headwear by adhesives, which are presumably applied across the entirety of the logo otherwise the logo would not adhere properly to the headwear.

For the foregoing reasons, the Applicant respectfully submits that claims 7, 9, 15, 20, 23, 26, 30-32, 34-37 and 42 are allowable over Stahl in view of Mahn, Conrad or Castro.

### Rejection Under 35 U.S.C. § 112

Claim 15 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response, claim 15 has been amended. It is respectfully submitted that this amendment clarifies claim 15 and overcomes the indefiniteness rejection.

### Information Disclosure Statement

The Information Disclosure Statement filed January 10, 2005 failed to comply with 37 CFR 1.98(a)(2) in that the submitted foreign patent documents were purportedly illegible. In response, a supplemental Information Disclosure Statement is being submitted herewith with more legible copies of the foreign patent documents identified by the Examiner as being illegible. If the documents are still considered illegible to the Examiner, the Applicant requests the Examiner to contact the undersigned.

### CONCLUSION

It is believed that all claims are in allowable condition. Applicant believes there is a \$180.00 fee due for filing this Information Disclosure Statement. In addition, Applicant believes there a \$120.00 fee due for filing a Petition for One Month Extension of Time. The Commissioner is hereby authorized to charge any fee due or credit any overpayment of fee to Deposit Account No. 19-0733

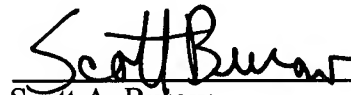
All rejections and objections having been addressed, the Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:



Scott A. Burow

Registration No. 42,373

Banner & Witcoff, LTD.  
Ten South Wacker Drive  
Chicago, Illinois 60606  
Tel: (312) 463-5000  
Fax: (312) 463-5001